

### **REMARKS**

In the action dated August 24, 2004 the Examiner has rejected Claims 9-11 under 35 U.S.C. §101, believing the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner believes the claims are to be interpreted as recording a data structure *per se* and the Examiner requires an amendment showing that the data structure is utilized within a computer system. Applicant has amended Claim 9 to recite that the diagnostic message stored within signal bearing media is “to be forwarded among members of one or more groups in a computer system and utilized therein...” Applicant urges the Examiner to consider that such an amendment renders Claims 9-11 clearly statutory and withdrawal of the Examiner’s rejection under 35 U.S.C. §101 is respectfully requested.

Next, the Examiner has rejected Claims 1, 3-5 and 7-12 under 35 U.S.C. §102(a) as being anticipated by *Engel, et al.*, United States Patent No. 6,115,393. That rejection is respectfully traversed in so far as it might be applied to the claims as amended. The Examiner has indicated that Claims 2, 6 and 13-15 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. Based upon careful consideration of the Examiner’s comments Applicant has amended Claims 1 and 5 to incorporate the features previously set forth within the indicated allowable Claims 2 and 6 and consequently, Applicant urges that Claims 1, 3-5, 7 and 8 are now allowable.

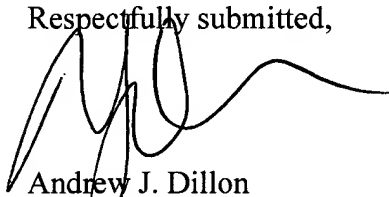
Further, Applicant has amended Claim 12 to incorporate those features previously set forth within the indicated allowable Claim 13 and consequently, Applicant urges that Claim 12 and Claims 14-15 are also now in condition for allowance.

In view of the amendments submitted herewith Applicant urges that all claims remaining in the present application are in condition for allowance and withdrawal of all objections and rejections and passage of this application to issue is therefore respectfully requested.

**CONCLUSION**

No additional fees are believed to be necessary, however, in the event that any additional fees are required, please charge those fees and any other required fees to **IBM Corporation** **Deposit Account Number 09-0465**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJD', with a long horizontal flourish extending to the right.

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